

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

UNITED STATES OF AMERICA

VS.

JAMES HARVEY BROOKS

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§

CRIMINAL NO. H-06-139

**ORDER**

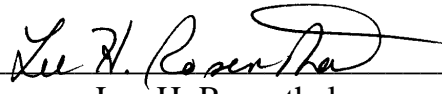
On June 7, 2009, James Brooks submitted to the court a signed, handwritten letter stating that “this prison environment is not the life I wanna be apart of any longer. . . .” Brooks indicated he has been incarcerated approximately 3 ½ years of a 92-month prison sentence and would like to be reunited with his family. Brooks stated he has taken advantage of the many educational and vocational opportunities offered by the Federal Bureau of Prisons in anticipation of his future release from prison. Essentially, Brooks is petitioning the court for an early release from prison.

On February 6, 2007, Brooks was sentenced to serve 92 months in prison for the offense of being a felon in possession. On February 8, 2007, counsel for Brooks filed a motion to correct the sentence based on the court’s intent to allow 13 months of credit for time served in state custody. On February 12, 2007, the original judgment was amended under Rule 35(a) of the Federal Rules of Criminal Procedure. Brooks was sentenced to 79 months. His appeal was unsuccessful.

In the absence of a motion under Rule 35(b) or a motion to modify a sentence by the Director of the Bureau of Prisons for extraordinary and compelling reasons, the court does not have the authority to modify this prison term. *See* 18 U.S.C. § 3582. Rehabilitation of the defendant is not, by itself, an extraordinary and compelling reason for a reduction in sentence. *See* U.S.S.G. §

1B1.13, comment. (n. 1(B)). Brooks's request for an early release from prison or modification of his term of imprisonment is denied.

SIGNED on July 23, 2009, at Houston, Texas.

  
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Lee H. Rosenthal  
United States District Judge